

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 06 2019

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DEPUTY
SPOKANE WASHINGTON

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSICA ANN CUNNINGTON
(a/k/a "Akoostik1") and
TIMOTHY PAUL MARCHINI
(a/k/a "daddy4ltlgrl"),

Defendants.

2:19-CR-127-RMP

INDICTMENT

Vio: 18 U.S.C. § 2252A(a)(1), (b)(1)
Conspiracy to Transport Child
Pornography (Count 1)

18 U.S.C. § 2251(a), (e)
Production of Child Pornography
(Count 2)

18 U.S.C. § 2252A(a)(2)(A), (b)(1)
Distribution of Child Pornography
(Counts 3 and 5)

18 U.S.C. § 2252A(a)(2)(A), (b)(1)
Receipt of Child Pornography
(Counts 4 and 6)

18 U.S.C. § 2253
Forfeiture Allegations

1 The Grand Jury charges:

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3 COUNT 1

4 Between on or about August 18, 2018, and continuing through on or about
5 August 19, 2018, in the Eastern District of Washington and elsewhere, Defendant
6 JESSICA ANN CUNNINGTON (a/k/a “Akoostik1”) knowingly and willfully
7 conspired and agreed with Defendant TIMOTHY PAUL MARCHINI (a/k/a
8 “daddy41tlgrl”), who had prior convictions under the laws of the State of California
9 relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving
10 a minor, namely, convictions for Unlawful Sexual Intercourse With a Minor Who Was
11 More Than Three Years Younger Than Defendant, in violation of California Penal
12 Code Section 261.5(c), on June 7, 2017, and Sexual Penetration of Another Person
13 Who Is Under 18 Years of Age, in violation of California Penal Code Section 289(h),
14 on June 7, 2017, to transport, using any means or facility of interstate or foreign
15 commerce, or in or affecting interstate or foreign commerce, child pornography, as
16 defined in 18 U.S.C. § 2256(8)(A), including visual depictions of a minor engaging in
17 sexually explicit conduct, including the lascivious exhibition of their genitals and pubic
18 areas, in violation of 18 U.S.C. § 2252A(a)(1), (b)(1).
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21 COUNT 2

22 On or before August 19, 2018, in the Eastern District of Washington and
23 elsewhere, the Defendant, JESSICA ANN CUNNINGTON (a/k/a “Akoostik1”), did
24 knowingly employ, use, persuade, induce, entice, and coerce Minor Victim 1, a minor
25 girl who was then three years of age, to engage in sexually explicit conduct for the
26 purpose of producing a visual depiction of such conduct, knowing and having reason to
27 know that such visual depiction would be transmitted using any means and facility of
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1 interstate commerce, namely the Internet, and such visual depiction was produced
2 using materials that had been mailed, shipped, and transported in and affecting
3 interstate and foreign commerce by any means, including by computer, all in violation
4 of 18 U.S.C. § 2251(a), (e).

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COUNT 3

On or about August 18, 2018, and continuing through on or about August 19,
2018, in the Eastern District of Washington and elsewhere, the Defendant, JESSICA
ANN CUNNINGTON (a/k/a “Akoostik1”), did knowingly distribute child
pornography, as defined in 18 U.S.C. § 2256(8)(A), using a means and facility of
interstate and foreign commerce, namely, the Internet, that had been mailed, shipped
and transported in interstate commerce by any means, including by computer, to wit: a
visual depiction of a minor engaging in sexually explicit conduct, including the
lascivious exhibition of her genitals and pubic area, in violation of 18 U.S.C.
§ 2252A(a)(2)(A), (b)(1).

COUNT 4

On or about August 18, 2018, and continuing through on or about August 19,
2018, in the Eastern District of Washington and elsewhere, the Defendant, JESSICA
ANN CUNNINGTON (a/k/a “Akoostik1”), did knowingly receive child pornography,
as defined in 18 U.S.C. § 2256(8)(A), using a means and facility of interstate and
foreign commerce, namely, the Internet, that had been mailed, shipped and transported
in interstate commerce by any means, including by computer, to wit: a visual depiction
of a minor engaging in sexually explicit conduct, including the lascivious exhibition of
her genitals and pubic area, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1).

COUNT 5

On or about August 18, 2018, and continuing through on or about August 19, 2018, in the Eastern District of Washington and elsewhere, the Defendant, TIMOTHY PAUL MARCHINI (a/k/a “daddy4ltlgrl”), who had prior convictions under the laws of the State of California relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor, namely, convictions for Unlawful Sexual Intercourse With a Minor Who Was More Than Three Years Younger Than Defendant, in violation of California Penal Code Section 261.5(c), on June 7, 2017, and Sexual Penetration of Another Person Who Is Under 18 Years of Age, in violation of California Penal Code Section 289(h), on June 7, 2017, did knowingly distribute child pornography, as defined in 18 U.S.C. § 2256(8)(A), using a means and facility of interstate and foreign commerce, namely, the Internet, that had been mailed, shipped and transported in interstate commerce by any means, including by computer, to wit: a visual depiction of a minor engaging in sexually explicit conduct, including the lascivious exhibition of her genitals and pubic area, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1).

COUNT 6

On or about August 18, 2018, and continuing through on or about August 19, 2018, in the Eastern District of Washington and elsewhere, the Defendant, TIMOTHY PAUL MARCHINI (a/k/a “daddy4ltlgrl”), who had prior convictions under the laws of the State of California relating to the aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor, namely, convictions for Unlawful Sexual Intercourse With a Minor Who Was More Than Three Years Younger Than Defendant, in violation of California Penal Code Section 261.5(c), on June 7, 2017, and Sexual Penetration of Another Person Who Is Under 18 Years of Age, in violation of

1 California Penal Code Section 289(h), on June 7, 2017, did knowingly receive child
2 pornography, as defined in 18 U.S.C. § 2256(8)(A), using a means and facility of
3 interstate and foreign commerce, namely, the Internet, that had been mailed, shipped
4 and transported in interstate commerce by any means, including by computer, to wit: a
5 visual depiction of a minor engaging in sexually explicit conduct, including the
6 lascivious exhibition of her genitals and pubic area, in violation of 18 U.S.C.
7 § 2252A(a)(2)(A), (b)(1).
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10 NOTICE OF FORFEITURE ALLEGATIONS

11 The allegations contained in this Indictment are hereby realleged and
12 incorporated by reference for the purpose of alleging forfeitures.

13 Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18
14 U.S.C § 2252A(a)(1), (b)(1), 18 U.S.C § 2251(a), (e), or 18 U.S.C § 2252A(a)(2),
15 (b)(1), as charged in Counts 1 - 6 of this Indictment, the Defendants JESSICA ANN
16 CUNNINGTON (a/k/a “Akoostik1”) and TIMOTHY PAUL MARCHINI (a/k/a
17 “daddy4tlgrl”), shall forfeit to the United States of America any visual depiction
18 described in sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 of that chapter, or
19 any book, magazine, periodical, film, videotape, or other matter which contains any
20 such visual depiction, which was produced, transported, mailed, shipped or received in
21 violation of this chapter; any property, real or personal, constituting or traceable to
22 gross profits or other proceeds obtained from such offenses; and, any property, real or
23 personal, used or intended to be used to commit or to promote the commission of such
24 offenses, or any property traceable to such property. The property to be forfeited
25 includes, but is not limited to:
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- 27 - A white Apple iPhone, Model Number A1533, FCC ID Number
28 BCG-E2642A, IMEI Number 356964064546390.

1 If any of the property described above, as a result of any act or omission of the
2 Defendant:

- 3 a. cannot be located upon the exercise of due diligence;
4 b. has been transferred or sold to, or deposited with, a third party;
5 c. has been placed beyond the jurisdiction of the Court;
6 d. has been substantially diminished in value; or
7 e. has been commingled with other property which cannot be divided
8 without difficulty,
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10 the United States of America shall be entitled to forfeiture of substitute property
11 pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).
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13 DATED this 6 day of August, 2019.
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15 A TRUE BILL
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21 William D. Hyslop
22 United States Attorney

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24 David M. Herzog
25 Assistant United States Attorney
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